

## IN THE SUPREME COURT OF THE STATE OF MONTANA

No. DA-09-0522

ORIGINAL

STATE OF MONTANA,

Plaintiff and Appellee,

v.

ROLAND DEE TIREY,

Defendant and Appellant.

FILED

MAR 01 2010

*Ed Smith*  
CLERK OF THE SUPREME COURT  
STATE OF MONTANA**MOTION FOR EXTENSION OF TIME  
AND AFFIDAVIT IN SUPPORT**

COMES NOW, Eileen A. Larkin, counsel of record for Defendant and Appellant, and respectfully requests an extension of time until April 9, 2010, in which to prepare, file, and serve the Appellant's opening brief in the above-entitled matter. In support of this motion, undersigned counsel respectfully submits the following affidavit.

Respectfully submitted this 1<sup>st</sup> day of March, 2010.

OFFICE OF THE STATE PUBLIC DEFENDER  
Appellate Defender Office  
139 N. Last Chance Gulch  
P.O. Box 200145  
Helena, MT 59620-0145

By: *Eileen A. Larkin*  
EILEEN A. LARKIN  
Assistant Appellate Defender

STATE OF MONTANA            )  
                                              : ss.  
County of Lewis and Clark    )

I, Eileen A. Larkin, being first duly sworn upon my oath, depose and state as follows:

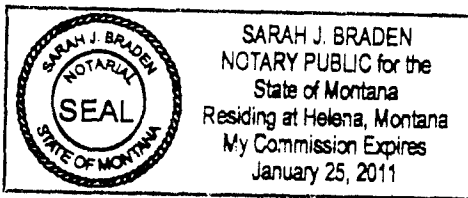
1. I am a licensed, practicing attorney in the State of Montana, and am currently employed by the Office of State Public Defender, Appellate Defender Office, as an Assistant Appellate Defender.
2. In my capacity as Assistant Appellate Defender, I have been assigned to handle the above-entitled matter.
3. The Appellant's brief was first due on December 10, 2009. A 90-day extension was requested due to personnel changes in the ADO. The brief is presently due on March 10, 2009.
4. I have reviewed the record, researched the issues, communicated with my client, and consulted with the Chief Appellate Defender.
5. Additional time is required to allow for my client's input and the exchange of documents through the mail.
6. I will work diligently to complete the matter in the time requested.
7. Opposing counsel has been contacted concerning this motion and does not object.

8. Further your affiant sayeth naught.

Eileen A Larkin  
Eileen A. Larkin

SUBSCRIBED AND SWORN to before me this 18<sup>th</sup> day of March,

2010.



Sarah J Braden  
Sarah J. Braden

**CERTIFICATE OF SERVICE**

I hereby certify that I caused a true and accurate copy of the foregoing

Motion for Extension of Time and Affidavit in Support to be mailed to:

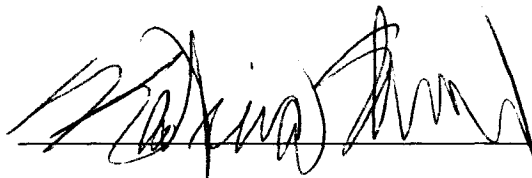
STEVE BULLOCK  
Montana Attorney General  
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Assistant Attorney General  
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Helena, MT 59620-1401

ED CORRIGAN  
Flathead County Attorney  
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P.O. Box 1516  
Kalispell, MT 59903-1516

ROLAND TIREY 40574  
Montana State Prison  
700 Conley Lake Road  
Deer Lodge, MT 59722

DATED: \_\_\_\_\_

3/11/10

A handwritten signature in black ink, appearing to be "Ed Corrigan", written over a horizontal line.